

STATE OF INDIANA – COUNTY OF CLARK
IN THE CLARK CIRCUIT AND SUPERIOR COURTS

**Notice of Proposed Local Rule Amendment
for the Courts of Record of Clark County
June 1, 2011**

In accordance with Trial Rule 81(B), the Clark Circuit and Superior Courts hereby give notice to the bar and the public that the Courts propose to adopt a **new** local rule at LR 10-AR 00-15 setting forth the procedure for Appointment of Special Judges. All new text is shown by underlining and deleted text is shown by ~~striketrough~~. Supreme Court approval is required for the rule, and it may not take effect until approved by the Supreme Court.

In accordance with Trial Rule 81(B), the time period for the bar and the public to comment shall begin on June 1, 2011 and shall close on July 1, 2011. The proposed rule will be submitted to the Indiana Supreme Court for approval, and the requested effective date of the rule is **July 1, 2011**.

Comments by the bar and the public should be made in writing and mailed to:

Hon. Vicki Carmichael, Judge of Clark Superior Court No. 1, Attn: Public Comment on Local Rules, Clark County Government Building, 501 E. Court Avenue, Jeffersonville, IN 47130.

A paper copy of the proposed local rule will be made available for viewing in the office of the Clerk of Clark County, Clark County Government Building, 501 E. Court Avenue, Jeffersonville, IN 47130 during normal business hours. Persons with Internet access may view the proposed local rule at the following website:

<http://www.in.gov/judiciary/rules/local>

Daniel E. Moore, Judge
Clark Circuit Court

Vicki L. Carmichael, Judge
Clark Superior Court No. 1

Jerry F. Jacobi, Judge
Clark Superior Court No. 2

Joseph P. Weber, Judge
Clark Superior Court No. 3

RULE 15
[LR10-AR00-15]
APPOINTMENT OF SPECIAL JUDGES

A. Selection of Assignment Judge. On or before October 1st of each year, the Judges of the Circuit Courts of Clark County shall meet with the presiding judges of Administrative District 23 for the purpose of selecting a judge designated as the assignment judge who shall serve the Administrative District for a period of twelve (12) months.

B. Section H Appointments. In the event it becomes necessary to appoint a special judge under Section H of Trial Rule 79 of the Indiana Rules of Trial Procedure, the judge before the case is pending shall send notice of the need of the appointment of a special judge to the Administrative District's assignment judge who shall then make such assignment within five (5) days of receiving said notice.

C. Method of Assignment. The Administrative District's assignment judge shall select special judges from a roster of the available judges in the Administrative District. The assignments shall be in sequential order beginning with the name of the judge following the last judge so assigned. If, however, a judge is otherwise disqualified to hear a particular case, that judge shall be deemed to be the next in sequence until assigned a case. The assignment judge shall maintain a record of all assignments and shall issue a summary report of the assignments on a quarterly basis.

D. Roster of Available Judges. The roster of available judges in Administrative District 23 shall be maintained by Court designation in the following sequential order and shall include senior judges as available.

- (1) Clark Circuit #1
- (2) Clark Circuit #2
- (3) Clark Circuit #3
- (4) Clark Circuit #4
- (5) Floyd Circuit
- (6) Floyd Superior #1
- (7) Floyd Superior #2
- (8) Floyd Superior #3
- (9) Scott Circuit
- (10) Scott Superior
- (11) Senior Judges who agree to serve as Special Judge

E. Appointment Order. Upon selecting a special judge, the assignment judge shall prepare an Order of Appointment and forward said Order to the judge before whom the case is pending and enter an Order of Appointment and forward a copy of the Order to the special judge and the attorneys of record.

F. Acceptance of Jurisdiction. The Order of Appointment, when entered by the judge before whom the case is pending, shall constitute acceptance of jurisdiction by the appointed special judge unless the judge is otherwise disqualified, and no special appearance, oath or additional evidence of acceptance shall be required.

G. Form of Order. The Order of Appointment shall be in the following form:

IN THE _____ COURT FOR _____ COUNTY

STATE OF INDIANA

(Caption)

ORDER OF APPOINTMENT

Under the provisions of Trial Rule 79(H) of the Indiana Rules of Trial Procedures, the Honorable _____ of the _____ Court of _____ County is hereby appointed to serve as special judge in the above-captioned case.

SO ORDERED AND ASSIGNED THIS _____ DAY OF _____, _____

BY THE ASSIGNMENT JUDGE FOR THE 23RD JUDICIAL DISTRICT.

Assignment Judge

H. Implementation of Rule. In the event a selected Judge does not accept an appointment to serve as a special Judge under the provisions of section (D), (E) or (F) of Trial Rule 79 of the Indiana Rules of Trial Procedure, the judge before whom the case is pending shall notify the assignment judge of the need for an appointment of a special judge under this local rule.

I. Certification to Supreme Court. If, under the provisions of this rule, no judge is eligible to serve as a special judge in a case, the assignment judge shall notify the judge before whom the case is pending who shall then certify such fact to the Indiana Supreme Court for the appointment of a special judge. If the judge before whom the case is pending is of the opinion that the particular circumstances of a case warrants selection of a special judge by the Indiana Supreme Court, said judge shall certify such facts to the Indiana Supreme Court for the appointment of a special Judge. Under such circumstances this Rule shall not be implemented unless the Indiana Supreme Court declines to appoint a special Judge.